

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE COMBINED WORLD TRADE CENTER
AND LOWER MANHATTAN DISASTER SITE
LITIGATION (straddler plaintiffs)

RICHARD NOLAN AND STEPHANIE NOLAN

Plaintiffs,

- against -

(SEE SECTION I. B: DEFENDANTS)

Defendants.

21 MC 103 (AKH)

DOCKET NO.

**CHECK-OFF ("SHORT FORM")
COMPLAINT
RELATED TO THE
MASTER COMPLAINTS**

**PLAINTIFF(S) DEMAND A TRIAL BY
JURY**

By Case Management Order Number 1, of the Honorable Alvin K. Hellerstein, United States District Judge, dated March 28, 2007, ("the Order"), Plaintiff(s) file this "straddler" check-off complaint and incorporates herein the master complaints in 21 MC 100 and 21 MC 102.

NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaints in 21 MC 100 and 21 MC 102 are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an "[☒]" if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiff(s), RICHARD NOLAN AND STEPHANIE NOLAN, by his/her/their attorneys WORBY GRONER EDELMAN & NAPOLI BERN, LLP, complaining of Defendant(s), respectfully allege:

I. PARTIES

A. PLAINTIFF(S)

1. ☒ Plaintiff, RICHARD NOLAN (hereinafter the "Injured Plaintiff"), is an individual and a citizen of New Jersey residing at 26 Melrose Terrace, Middletown, NJ 07748.

(OR)

2. Alternatively, ☐ _____ is the _____ of Decedent _____, and brings this claim in his (her) capacity as _____ of the Estate of _____.

3. ☒ Plaintiff, Stephanie Nolan (hereinafter the "Derivative Plaintiff"), is a citizen of New Jersey residing at 26 Melrose Terrace, Middletown, NJ 07748, and has the following relationship to the Injured Plaintiff:

☒ SPOUSE at all relevant times herein, is and has been lawfully married to Plaintiff RICHARD NOLAN, and brings this derivative action for her (his) loss due to the injuries sustained by her husband (his wife), Plaintiff RICHARD NOLAN.

☐ Parent ☐ Child ☐ Other: _____

4. In the period from 9/12/2001 to 10/1/2002 the Injured Plaintiff worked for W&W Glass Products Inc. as a General Foreman at:

Please be as specific as possible when filling in the following dates and locations

☒ The World Trade Center Site
Location(s) (i.e., building, quadrant, etc.) _____

From on or about 9/12/2001 until 10/1/2002 ;
Approximately 12 hours per day; for
Approximately 385 days total.

☐ The New York City Medical Examiner's Office
From on or about _____ until _____,
Approximately _____ hours per day; for
Approximately _____ days total.

☐ The Fresh Kills Landfill
From on or about _____ until _____;
Approximately _____ hours per day; for
Approximately _____ days total.

☐ The Barge
From on or about _____ until _____;
Approximately _____ hours per day; for
Approximately _____ days total.

☒ **Other:** See Chart Below

Instructions: To the extent that plaintiff has specificity as to the area within the building/location listed, such should be indicated on a separate line. If plaintiff is unable at this time to enunciate such specificity at this time, the applicable column should be marked with an "☒" (See Sample Chart below)

Each sub-paragraph shall be deemed to allege: "The Injured Plaintiff at times relevant to the claims herein, worked at (address/location) for the following (dates of employment), while in the employ of (name of employer), maintaining the position of (job title) and worked at said

***Please read this document carefully.
It is very important that you fill out each and every section of this document.***

location for approximately (hours).i.e. The Injured Plaintiff at times relevant to the claims herein, worked at 500 Broadway, for the following dates, 10/1/01-6/1/02, while in the employ of ABC Corp, maintaining the position of cleaner and worked at said location for approximately 20 hours.



The Injured Plaintiff worked off-site at the address/location for following dates of employment, for the employer, in the job title of, and for the number of hours, as specified below.

It is very important that you fill out each and every section of this document.

Sample Chart

		ADDRESS/ LOCATION	FLOOR(S)/ AREAS	DATES OF EMPLOYMENT	NAME OF EMPLOYER	JOB TITLE	JOB ACTIVITY	HOURS WORKED	SHIFT WORKED	Percent Of Total Hours
<input checked="" type="checkbox"/>	31a	*500 Broadway	2	10/1/01-6/1/02	ABC CORP.	CLEANER	DEMOLITION/DEBRIS REMOVAL	20	8AM-5PM	50
<input checked="" type="checkbox"/>	31b	1600 Broadway	2	11/1/01-11/15/01	ABC CORP.	CLEANER	X	10	X	25
<input checked="" type="checkbox"/>	31c	1600 Broadway	basement	12/15/01- 12/16/01	XYZ Corp.	CLEANER	X	10	X	25

Total Hours Worked Off-Site: 40

		ADDRESS/LOCATION	Floor(s)/ Areas	DATES OF EMPLOYMENT	NAME OF EMPLOYER	JOB TITLE	Job Activity	HOURS WORKED	Shift Worked	Percent Of Total	
<input checked="" type="checkbox"/>	31a.	1 World Financial Center	To Be Supplied for all Sites Listed	02/01/2002-09/10/2002	W&W Glass Products Inc.	General Foreman	8/25/2007 Was volunteer for first 3 days. Then worked for W&W Glass in all 4 WFC buildings and the Wintergarden from 2/1/2002 (est) til 9/10/2002.	1784	To Be Supplied for all Sites Listed	25.0%	
<input checked="" type="checkbox"/>	31b.	2 World Financial Center		-	02/01/2002-09/10/2002			-		-	
<input checked="" type="checkbox"/>	31c.	3 World Financial Center		-	02/01/2002-09/10/2002	Same As Above		Same As Above		1784	-
<input checked="" type="checkbox"/>	31d.	4 World Financial Center		-	02/01/2002-09/10/2002	Same As Above		Same As Above		1784	-
<input type="checkbox"/>	31e.	-		-		Same As Above		Same As Above		-	-
<input type="checkbox"/>	31f.										
<input type="checkbox"/>	31g.										
<input type="checkbox"/>	31h.										
<input type="checkbox"/>	31i.										
<input type="checkbox"/>	31j.										
<input type="checkbox"/>	31k.										
<input type="checkbox"/>	31l.										
<input type="checkbox"/>	31m.										
<input type="checkbox"/>	31n.										
<input type="checkbox"/>	31o.										
<input type="checkbox"/>	31p.										
<input type="checkbox"/>	31q.										
<input type="checkbox"/>	31r.										
<input type="checkbox"/>	31s.										

☐ Other (if checked, attach Rider and continue with same format for sub-divisions)

The plaintiff worked for the total number of hours as indicated below:

<input checked="" type="checkbox"/>	Total Hours Worked Off-Site: 7136
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*Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

5. Injured Plaintiff

- ☒ Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;
- ☒ Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;
- ☒ Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;
- ☒ Other: Not yet determined.

6. Injured Plaintiff

- ☒ Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

B. DEFENDANT(S)

The following is a list of all Defendant(s) named in the Master Complaints. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

☐ THE CITY OF NEW YORK

- ☐ A Notice of Claim was timely filed and served on _____ and
- ☐ pursuant to General Municipal Law §50-h the CITY held a hearing on _____ (OR)
- ☐ The City has yet to hold a hearing as required by General Municipal Law §50-h
- ☐ More than thirty days have passed and the City has not adjusted the claim (OR)
- ☐ An Order to Show Cause application to
- ☐ deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim *Nunc Pro Tunc* (for leave to file a late Notice of Claim *Nunc Pro Tunc*) has been filed and a determination
- ☐ is pending
- ☐ Granting petition was made on _____
- ☐ Denying petition was made on _____

☐ PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]

- ☐ A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on
- ☐ More than sixty days have elapsed since the Notice of Claim was filed, (and)
- ☐ the PORT AUTHORITY has adjusted this claim
- ☐ the PORT AUTHORITY has not adjusted this claim.

- ☐ 1 WORLD TRADE CENTER, LLC
- ☐ 1 WTC HOLDINGS, LLC
- ☐ 2 WORLD TRADE CENTER, LLC
- ☐ 2 WTC HOLDINGS, LLC
- ☐ 4 WORLD TRADE CENTER, LLC
- ☐ 4 WTC HOLDINGS, LLC
- ☐ 5 WORLD TRADE CENTER, LLC
- ☐ 5 WTC HOLDINGS, LLC
- ☐ 7 WORLD TRADE COMPANY, L.P.
- ☒ A RUSSO WRECKING

- ☒ ABM INDUSTRIES, INC.
- ☒ ABM JANITORIAL NORTHEAST, INC.
- ☒ AMEC CONSTRUCTION MANAGEMENT, INC.
- ☒ AMEC EARTH & ENVIRONMENTAL, INC.
- ☒ ANTHONY CORTESE SPECIALIZED HAULING, LLC, INC.
- ☒ ATLANTIC HEYDT CORP
- ☒ BECHTEL ASSOCIATES PROFESSIONAL CORPORATION
- ☒ BECHTEL CONSTRUCTION, INC.
- ☒ BECHTEL CORPORATION
- ☒ BECHTEL ENVIRONMENTAL, INC.
- ☒ BERKEL & COMPANY, CONTRACTORS, INC.
- ☒ BIG APPLE WRECKING & CONSTRUCTION CORP
- ☐ BOVIS LEND LEASE, INC.
- ☒ BOVIS LEND LEASE LMB, INC.
- ☒ BREEZE CARTING CORP
- ☒ BREEZE NATIONAL, INC.
- ☒ BRER-FOUR TRANSPORTATION CORP.
- ☒ BURO HAPPOLD CONSULTING ENGINEERS, P.C.
- ☒ C.B. CONTRACTING CORP
- ☒ CANRON CONSTRUCTION CORP
- ☐ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- ☒ CORD CONTRACTING CO., INC
- ☐ CRAIG TEST BORING COMPANY INC.
- ☒ DAKOTA DEMO-TECH
- ☒ DIAMOND POINT EXCAVATING CORP
- ☒ DIEGO CONSTRUCTION, INC.
- ☒ DIVERSIFIED CARTING, INC.
- ☒ DMT ENTERPRISE, INC.
- ☒ D'ONOFRIO GENERAL CONTRACTORS CORP
- ☒ EAGLE LEASING & INDUSTRIAL SUPPLY
- ☒ EAGLE ONE ROOFING CONTRACTORS INC.
- ☐ EAGLE SCAFFOLDING CO, INC.
- ☒ EJ DAVIES, INC.
- ☒ EN-TECH CORP
- ☐ ET ENVIRONMENTAL
- ☐ EVANS ENVIRONMENTAL
- ☒ EVERGREEN RECYCLING OF CORONA
- ☒ EWELL W. FINLEY, P.C.

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|---|--|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> EXECUTIVE MEDICAL SERVICES, P.C. <input type="checkbox"/> F&G MECHANICAL, INC. <input checked="" type="checkbox"/> FLEET TRUCKING, INC. <input checked="" type="checkbox"/> FRANCIS A. LEE COMPANY, A CORPORATION <input checked="" type="checkbox"/> FTI TRUCKING <input checked="" type="checkbox"/> GILSANZ MURRAY STEFICEK, LLP <input checked="" type="checkbox"/> GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC <input checked="" type="checkbox"/> HALLEN WELDING SERVICE, INC. <input checked="" type="checkbox"/> H.P. ENVIRONMENTAL <input checked="" type="checkbox"/> HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP. <input checked="" type="checkbox"/> KOCH SKANSKA INC. <input checked="" type="checkbox"/> LAQUILA CONSTRUCTION INC <input checked="" type="checkbox"/> LASTRADA GENERAL CONTRACTING CORP <input checked="" type="checkbox"/> LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C. <input checked="" type="checkbox"/> LIBERTY MUTUAL GROUP <input checked="" type="checkbox"/> LOCKWOOD KESSLER & BARTLETT, INC. <input checked="" type="checkbox"/> LUCIUS PITKIN, INC <input checked="" type="checkbox"/> LZA TECH-DIV OF THORTON TOMASETTI <input checked="" type="checkbox"/> MANAFORT BROTHERS, INC. <input checked="" type="checkbox"/> MAZZOCCHI WRECKING, INC. <input checked="" type="checkbox"/> MORETRENCH AMERICAN CORP. <input checked="" type="checkbox"/> MRA ENGINEERING P.C. <input checked="" type="checkbox"/> MUESER RUTLEDGE CONSULTING ENGINEERS <input checked="" type="checkbox"/> NACIREMA INDUSTRIES INCORPORATED <input checked="" type="checkbox"/> NEW YORK CRANE & EQUIPMENT CORP. <input checked="" type="checkbox"/> NICHOLSON CONSTRUCTION COMPANY <input checked="" type="checkbox"/> PETER SCALAMANDRE & SONS, INC. <input type="checkbox"/> PHILLIPS AND JORDAN, INC. <input checked="" type="checkbox"/> PINNACLE ENVIRONMENTAL CORP <input checked="" type="checkbox"/> PLAZA CONSTRUCTION CORP. <input checked="" type="checkbox"/> PRO SAFETY SERVICES, LLC <input checked="" type="checkbox"/> PT & L CONTRACTING CORP <input type="checkbox"/> REGIONAL SCAFFOLD & HOISTING CO, INC. <input checked="" type="checkbox"/> ROBER SILMAN ASSOCIATES <input checked="" type="checkbox"/> ROBERT L GEROSA, INC <input checked="" type="checkbox"/> RODAR ENTERPRISES, INC. <input checked="" type="checkbox"/> ROYAL GM INC. <input checked="" type="checkbox"/> SAB TRUCKING INC. <input checked="" type="checkbox"/> SAFEWAY ENVIRONMENTAL CORP <input checked="" type="checkbox"/> SEASONS INDUSTRIAL CONTRACTING <input checked="" type="checkbox"/> SEMCOR EQUIPMENT & MANUFACTURING CORP. <input checked="" type="checkbox"/> SILVERITE CONTRACTING CORPORATION <input type="checkbox"/> SILVERSTEIN PROPERTIES | <ul style="list-style-type: none"> <input type="checkbox"/> SILVERSTEIN PROPERTIES, INC. <input type="checkbox"/> SILVERSTEIN WTC FACILITY MANAGER, LLC <input type="checkbox"/> SILVERSTEIN WTC, LLC <input type="checkbox"/> SILVERSTEIN WTC MANAGEMENT CO., LLC <input type="checkbox"/> SILVERSTEIN WTC PROPERTIES, LLC <input type="checkbox"/> SILVERSTEIN DEVELOPMENT CORP. <input type="checkbox"/> SILVERSTEIN WTC PROPERTIES LLC <input checked="" type="checkbox"/> SIMPSON GUMPERTZ & HEGER INC <input checked="" type="checkbox"/> SKIDMORE OWINGS & MERRILL LLP <input checked="" type="checkbox"/> SURVIVAIR <input type="checkbox"/> TAYLOR RECYCLING FACILITY LLC <input checked="" type="checkbox"/> TISHMAN INTERIORS CORPORATION, <input checked="" type="checkbox"/> TISHMAN SPEYER PROPERTIES, <input checked="" type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN <input checked="" type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF NEW YORK <input checked="" type="checkbox"/> THORNTON-TOMASETTI GROUP, INC. <input checked="" type="checkbox"/> TORRETTA TRUCKING, INC <input checked="" type="checkbox"/> TOTAL SAFETY CONSULTING, L.L.C <input checked="" type="checkbox"/> TUCCI EQUIPMENT RENTAL CORP <input checked="" type="checkbox"/> TULLY CONSTRUCTION CO., INC. <input type="checkbox"/> TULLY ENVIRONMENTAL INC. <input type="checkbox"/> TULLY INDUSTRIES, INC. <input type="checkbox"/> TURNER CONSTRUCTION CO. <input checked="" type="checkbox"/> TURNER CONSTRUCTION COMPANY <input checked="" type="checkbox"/> ULTIMATE DEMOLITIONS/CS HAULING <input checked="" type="checkbox"/> VERIZON NEW YORK INC, <input checked="" type="checkbox"/> VOLLMER ASSOCIATES LLP <input type="checkbox"/> W HARRIS & SONS INC <input checked="" type="checkbox"/> WEEKS MARINE, INC. <input checked="" type="checkbox"/> WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C. <input checked="" type="checkbox"/> WHITNEY CONTRACTING INC. <input checked="" type="checkbox"/> WOLKOW-BRAKER ROOFING CORP <input type="checkbox"/> WORLD TRADE CENTER PROPERTIES, LLC <input checked="" type="checkbox"/> WSP CANTOR SEINUK GROUP <input checked="" type="checkbox"/> YANNUZZI & SONS INC <input checked="" type="checkbox"/> YONKERS CONTRACTING COMPANY, INC. <input checked="" type="checkbox"/> YORK HUNTER CONSTRUCTION, LLC <input checked="" type="checkbox"/> ZIEGENFUSS DRILLING, INC. <input type="checkbox"/> OTHER: _____ |
|---|--|

The specific Defendants alleged relationship to the property, as indicated below or as otherwise the evidence may disclose, or their role with relationship to the work thereat, gives rise to liability under the causes of actions alleged, as referenced in the Master Complaint in 21 MC 102.

Instruction: The Defendant(s) names in the 21 MC 102 Master Complaint are re-stated below. The Defendant's are listed by reference to the building and/or location at which this specific plaintiff alleges to have worked. . Each sub- paragraph shall be deemed to allege: "With reference to (address), the defendant (entity) was a and/or the (relationship) of and/or at the subject property and/or in such relationship as the evidence may disclose," (i.e. With reference to 4 Albany Street, defendant Bankers Trust Company, was the owner of the subject project and/or in such relationship as the evidence may disclose)

- ☒ 1. With reference to (*address as checked below*), the defendant (*entity as checked below*) was a and/or the (*relationship as indicated below*) of and/or at the subject property and/or in such relationship as the evidence may disclose.

☒ (1-93) 200 LIBERTY STREET (ONE WORLD FINANCIAL CENTER)

- ☒ A. BATTERY PARK CITY AUTHORITY (OWNER)
- ☒ B. BROOKFIELD PROPERTIES CORPORATION (OWNER)
- ☒ C. BROOKFIELD FINANCIAL PROPERTIES, LP (OWNER)
- ☒ D. BROOKFIELD FINANCIAL PROPERTIES, INC. (OWNER)
- ☒ E. BROOKFIELD PROPERTIES HOLDINGS INC. (OWNER)
- ☒ F. BROOKFIELD PARTNERS, LP (OWNER)
- ☒ G. WFP TOWER A CO. (OWNER)
- ☒ H. WFP TOWER A CO. L.P. (OWNER)
- ☒ I. WFP TOWER A. CO. G.P. CORP. (OWNER)
- ☒ J. TUCKER ANTHONY, INC. (AGENT)

☒ K. BLACKMON-MOORING-STEAMATIC CATASTOPHE, INC. d/b/a BMS CAT (CONTRACTOR/AGENT)

☒ (1-94) 225 LIBERTY STREET (TWO WORLD FINANCIAL CENTER)

- ☒ A. BATTERY PARK CITY AUTHORITY (OWNER)
- ☒ B. BROOKFIELD PROPERTIES CORPORATION (OWNER)
- ☒ C. BROOKFIELD PARTNERS, L.P. (OWNER)
- ☒ D. BROOKFIELD PROPERTIES HOLDINGS INC. (OWNER)
- ☒ E. BROOKFIELD FINANCIAL PROPERTIES, L.P. (OWNER)
- ☒ F. BROOKFIELD FINANCIAL PROPERTIES, INC. (OWNER)
- ☒ G. MERRILL LYNCH & CO, INC. (OWNER)

- ☒ H. WESTON SOLUTIONS, INC. (AGENT/CONTRACTOR)
- ☒ I. GPS ENVIRONMENTAL CONSULTANTS, INC. (AGENT/CONTRACTOR)
- ☒ J. INDOOR ENVIRONMENTAL TECHNOLOGY, INC. (AGENT/CONTRACTOR)
- ☒ K. BLACKMON-MOORING-STEAMATIC CATASTOPHE, INC. d/b/a BMS CAT (AGENT/CONTRACTOR)
- ☒ L. STRUCTURE TONE, (UK) INC. (CONTRACTOR)
- ☒ M. STRUCTURE TONE GLOBAL SERVICES, INC (CONTRACTOR)
- ☒ N. ENVIROTECH CLEAN AIR, INC. (CONTRACTOR)
- ☒ O. ALAN KASMAN DBA KASCO (CONTRACTOR)
- ☒ P. KASCO RESTORATION SERVICES CO. (CONTRACTOR)
- ☒ Q. NOMURA HOLDING AMERICA, INC. (OWNER)
- ☒ R. NOMURA SECURITIES INTERNATIONAL, INC. (OWNER)
- ☒ S. WFP TOWER B HOLDING CO., LP (OWNER)
- ☒ T. WFP TOWER B CO., G.P. CORP. (OWNER)
- ☒ U. WFP TOWER B CO. L.P. (OWNER)
- ☒ V. TOSCORP. INC. (OWNER)
- ☒ W. HILLMAN ENVIRONMENTAL GROUP, LLC. (AGENT/CONTRACTOR)
- ☒ X. ANN TAYLOR STORES CORPORATION (OWNER)
- ☒ (1-95) 200 VESEY STREET (THREE WORLD FINANCIAL CENTER)
 - ☒ A. BFP TOWER C CO. LLC. (OWNER)
 - ☒ B. BFP TOWER C MM LLC. (OWNER)
 - ☒ C. WFP RETAIL CO. L.P. (OWNER)
 - ☒ D. WFP RETAIL CO. G.P. CORP. (OWNER)
 - ☒ E. AMERICAN EXPRESS COMPANY (OWNER)
 - ☒ F. AMERICAN EXPRESS BANK, LTD (OWNER)
 - ☒ G. AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC. (OWNER)
 - ☒ H. LEHMAN BROTHERS, INC. (OWNER)
 - ☒ I. LEHMAN COMMERCIAL PAPER, INC. (OWNER)
 - ☒ J. LEHMAN BROTHERS HOLDINGS INC. (OWNER)
 - ☒ K. TRAMMELL CROW COMPANY (AGENT)
 - ☒ L. MCCLIER CORPORATION (AGENT)
- ☒ M. TRAMMELL CROW CORPORATE SERVICES, INC. (AGENT)
- ☒ N. BLACKMON-MOORING-STEAMATIC CATASTOPHE, INC. d/b/a BMS CAT (AGENT/CONTRACTOR)
- ☒ (1-96) 250 VESEY STREET (FOUR WORLD FINANCIAL CENTER)
 - ☒ A. BATTERY PARK CITY AUTHORITY (OWNER)
 - ☒ B. BROOKFIELD PROPERTIES CORPORATION (OWNER)
 - ☒ C. BROOKFIELD FINANCIAL PROPERTIES, LP. (OWNER)
 - ☒ D. BROOKFIELD FINANCIAL PROPERTIES, INC. (OWNER)
 - ☒ E. BROOKFIELD PROPERTIES HOLDINGS, INC. (OWNER)
 - ☒ F. BROOKFIELD PARTNERS, LP (OWNER)
 - ☒ G. WFP TOWER D CO. L.P. (OWNER)
 - ☒ H. WFP TOWER D CO., G.P. CORP. (OWNER)
 - ☒ I. WFP TOWER D HOLDING I G.P. CORP. (OWNER)
 - ☒ J. WFP TOWER D HOLDING CO. I L.P. (OWNER)
 - ☒ K. WFP TOWER D HOLDING CO. II L.P. (OWNER)
 - ☒ L. MERRILL LYNCH & CO, INC. (OWNER)
 - ☒ M. WESTON SOLUTIONS, INC. (AGENT/CONTRACTOR)
 - ☒ N. GPS ENVIRONMENTAL CONSULTANTS, INC. (AGENT/CONTRACTOR)
 - ☒ O. INDOOR ENVIRONMENTAL TECHNOLOGY, INC. (AGENT/CONTRACTOR)
 - ☒ P. BLACKMON-MOORING-STEAMATIC CATASTOPHE, NC. d/b/a BMS CAT (AGENT/CONTRACTOR)
 - ☒ Q. STRUCTURE TONE, (UK) INC. (AGENT/CONTRACTOR)
 - ☒ R. STRUCTURE TONE GLOBAL SERVICES, INC (AGENT/CONTRACTOR)
 - ☒ S. ENVIROTECH CLEAN AIR, INC. (AGENT/CONTRACTOR)
 - ☒ T. ALAN KASMAN DBA KASCO (AGENT/CONTRACTOR)
 - ☒ U. KASCO RESTORATION SERVICES CO. (AGENT/CONTRACTOR)

☐ OTHER: if an individual plaintiff is alleging injury sustained at a building/location other than as above, and/or if an individual plaintiff is alleging an injury sustained at a building/location above, but is alleging a claim against a defendant not listed for said building, plaintiff should check this box, and attach a Rider. Individual plaintiff should then immediately notify Plaintiff Liaison by email and in writing, and request an amendment to the Master Pleadings and the Check-Off Complaint pursuant to the applicable CMO governing said amendment.

II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

☒ Founded upon Federal Question Jurisdiction; specifically; ☒ Air Transport Safety & System Stabilization Act of 2001, (or); ☐ Federal Officers Jurisdiction, (or); ☐ Other (specify): _____; ☐ Contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

III CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<input checked="" type="checkbox"/>	Common Law Negligence, including allegations of Fraud and Misrepresentation
<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)		<input checked="" type="checkbox"/> Air Quality; <input checked="" type="checkbox"/> Effectiveness of Mask Provided; <input type="checkbox"/> Effectiveness of Other Safety Equipment Provided
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-a		(specify: _____); <input checked="" type="checkbox"/> Other(specify): <u>Not yet determined.</u>
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-e	<input type="checkbox"/>	Wrongful Death
		<input checked="" type="checkbox"/>	Loss of Services/Loss of Consortium for Derivative Plaintiff
		<input type="checkbox"/>	Other: _____

IV CAUSATION, INJURY AND DAMAGE

1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

<input type="checkbox"/>	Cancer Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____	<input type="checkbox"/>	Cardiovascular Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____
<input checked="" type="checkbox"/>	Respiratory Injury: <u>Cough; Respiratory Problems; Shortness of Breath</u> Date of onset: <u>To be supplied at a later date</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>	<input checked="" type="checkbox"/>	Fear of Cancer Date of onset: <u>To be supplied at a later date</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>
<input type="checkbox"/>	Digestive Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____	<input checked="" type="checkbox"/>	Other Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____

NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

<input checked="" type="checkbox"/> Pain and suffering	<input checked="" type="checkbox"/> Expenses for medical care, treatment, and rehabilitation
<input checked="" type="checkbox"/> Loss of the enjoyment of life	<input checked="" type="checkbox"/> Other:
<input checked="" type="checkbox"/> Loss of earnings and/or impairment of earning capacity	<input checked="" type="checkbox"/> Mental anguish
<input checked="" type="checkbox"/> Loss of retirement benefits/diminution of retirement benefits	<input checked="" type="checkbox"/> Disability
	<input checked="" type="checkbox"/> Medical monitoring
	<input checked="" type="checkbox"/> Other: <u>Not yet determined.</u>

3. ☒ As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

WHEREFORE, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.

Dated: New York, New York
September 19, 2007

Yours, etc.,

Worby, Groner Edelman & Napoli Bern, LLP
Attorneys for Plaintiff(s), Richard Nolan and Stephanie Nolan

A handwritten signature in black ink, appearing to read 'C. LoPalo', written over a horizontal line.

By: _____
Christopher R. LoPalo (CL 6466)
115 Broadway
12th Floor
New York, New York 10006
Phone: (212) 267-3700

ATTORNEY VERIFICATION

CHRISTOPHER R. LOPALO, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under the penalties of perjury that:

He is the attorney for the plaintiff(s) in the above-entitled action. That he has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows the contents thereof, and upon information and belief, deponent believes the matters alleged therein to be true.

The reason this Verification is made by deponent and not by the plaintiff(s) is that the plaintiff(s) herein reside(s) in a county other than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief are communication, papers, reports and investigation contained in the file.

DATED: New York, New York
September 19, 2007

A handwritten signature in black ink, appearing to read 'C. Lopalo', with a long horizontal line extending to the right.

CHRISTOPHER R. LOPALO

Docket No:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Richard Nolan (and Wife, Stephanie Nolan),

Plaintiff(s)

- against -

SEE RIDER

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

WORBY GRONER EDELMAN & NAPOLI BERN, LLP

Attorneys for: Plaintiff(s)

Office and Post Office Address, Telephone

115 Broadway - 12th Floor

New York, New York 10006

(212) 267-3700

To
Attorney(s) for

Service of a copy of the within
is hereby admitted.

Dated,

Attorney(s) for

PLEASE TAKE NOTICE:

☐ **NOTICE OF ENTRY**

that the within is a (certified) true copy of an
duly entered in the office of the clerk of the within named court on ____20__

☐ **NOTICE OF SETTLEMENT**

that an order _____ of which the within is a true copy
will be presented for settlement to the HON. _____ one of the
judges of the
within named Court, at
on ____20__ at ____M.
Dated,

Yours, etc.,

WORBY GRONER EDELMAN & NAPOLI BERN, LLP